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8 *Attorney for Plaintiff-Intervenor*
9 *Ramona Band of Cahuilla*

10
11 UNITED STATES DISTRICT COURT
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13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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15 UNITED STATES OF AMERICA,
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17 Plaintiff,

18 RAMONA BAND OF CAHUILLA,
19 CAHUILLA BAND OF INDIANS,

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21 Plaintiffs-Intervenors,
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23 vs.

24 FALLBROOK PUBLIC UTILITY DISTRICT,
25
26 et al.,

27
28 Defendants.

CIVIL NO.: 51-CV-01247-GPC-RBB

MOTION TO EXTEND STAY

Date: No hearing date set
Time:
Dept.: 9

Hon. Gonzalo P. Curiel

ORAL ARGUMENT NOT REQUIRED

1 Plaintiff-Intervenor Ramona Band of Cahuilla (Tribe) respectfully moves this Court for a
2 90-day extension of the stay of litigation until October 17, 2016. Under this Court's Order of
3 April 19, 2016 (Doc. 5521), the current stay expires on July 18, 2016. Counsel for the Tribe is
4 authorized to state that the United States, Cahuilla Band of Indians, State of California, County
5 of Riverside, Riverside County Flood Control and Water Conservation District, the Greenwald
6 Landowners, Hemet Unified School District, the Anza Basin Landowners Group, and Agri-
7 Empire do not oppose the Tribe's request to extend the stay for 90 days. An extension of the
8 stay will enable the parties to continue their discussions aimed at a negotiated settlement of the
9 Tribe's water rights claims, without the distraction or burdens of litigation.
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12 During the prior stay period, the settlement parties continued to refine and revise the
13 language of the draft settlement agreement. The settlement parties' technical consultants have
14 analyzed additional data related to the groundwater recharge and production in the Anza
15 Groundwater Basin and Cahuilla Groundwater Basin, which the parties have used for discussions
16 about an appropriate sustainable groundwater management plan for both Basins. The settlement
17 parties continued to refine the scope of responsibilities of the Watermaster, the allocation of
18 Watermaster fees, and the Watermaster's start-up and annual budgets for administering the
19 settlement agreement and partial final decree. Certain settlement parties have also discussed the
20 relationship between the State-mandated reporting of groundwater levels in the Basins and the
21 groundwater management plan, and the funding for such reporting requirements. Exhibits to the
22 draft settlement agreement are also being prepared. The settlement parties are making progress
23 toward a final resolution of these and related issues.
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26 Counsel for the Cahuilla Band of Indians has filed a substitution of attorney pursuant to
27 CivLR 83.3.f.2, which this Court granted on April 27, 2016.
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1 Since the last status report, the settlement parties took action or discussed outstanding
2 issues at either in-person or telephonic meetings on the following dates:

3 April 27: In-person meeting among all settlement parties to discuss revisions to
4 draft settlement agreement; groundwater management plan;
5 Watermaster role and responsibilities; and Watermaster budget.

6 May 11: The settlement parties lodged a draft of the Watermaster Rules and
7 Regulations with U.S. Magistrate Judge Brooks' chambers for review.

8 May 19: Telephonic meeting among all settlement parties.

9 May 25: The settlement parties met with U.S. Magistrate Judge Brooks to
10 discuss outstanding issues.

11 May 26: Telephonic meeting among certain settlement parties and Watermaster
12 to discuss revisions to draft settlement agreement.

13 June 28: Telephonic settlement conference between Ramona Band of Cahuilla
14 and State of California regarding issues unique to those settlement
15 parties.

16 July 5: Telephonic conference between Ramona Band of Cahuilla and
17 Watermaster regarding groundwater level reporting requirements
18 under State law.

19 In addition, counsel for the parties have conducted teleconferences outside the larger
20 group meetings as necessary to continue progress toward resolving outstanding issues. The
21 settlement parties have scheduled a telephonic settlement conference with Judge Brooks on
22 August 17, 2016.

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1 The settlement parties are committed to continuing these discussions. A 90-day
2 extension of the stay will permit them to continue settlement efforts without the cost or
3 distraction of litigation.
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5 For these reasons, the Tribe respectfully requests that the stay of litigation be extended to
6 October 17, 2016.

7 Date: July 18, 2016

Respectfully submitted,

9 BERKEY WILLIAMS LLP

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11 By: s/Curtis G. Berkey

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